IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 49 of 2007
Date of decision : 19.1.2007

Karamjit Singh

.....Petitioner.

Versus

Smt. Parminder Kaur

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Gulshan Sharma,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

By way of this revision petition the challenge is to the orders passed by the learned Courts below under Order 39 Rules 1 & 2 C.P.C. vide which the application moved by the petitioner has been partly allowed and the respondent-defendant has been restrained from interfering in the possession of the petitioner on the ground floor except with due process of law.

The respondent defendant has filed a separate suit seeking possession of the ground floor where the petitioner is the tenant.

The petitioner has filed a suit for permanent injunction restraining the respondent-landlord from interfering in the peaceful possession of the property except in due process of law. The learned Courts below on the material placed before it especially the rent note have come to the conclusion that the petitioner was the tenant on the ground floor and not on the first floor. Accordingly, the injunction application was partly allowed.

The learned counsel for the petitioner has challenged the said finding on the plea that the petitioner was in occupation of the entire suit property including the accommodation on the first floor, where he was inducted as tenant on 12.2.2004. This contention of the petitioner was not believed in view of the rent note produce on record. The finding is, thus, based on the documentary evidence available on record and, therefore, is liable to be affirmed.

There is no error or illegality in the order passed by the learned Courts below which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

19.1.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**